

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

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4 ARTANO AIDINI,

5 Plaintiff,

6 v.

7 COSTCO WHOLESALE CORPORATION,

8 Defendant.

Case No. 2:15-cv-00505-APG-GWF

**ORDER DIRECTING PARTIES TO
PROVIDE SUPPLEMENTAL
BRIEFING WITH RESPECT TO
PLAINTIFF'S EXPERTS**

(ECF Nos. 49, 50, 51)

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10 Defendant Costco Wholesale Corporation moves to preclude plaintiff Artano Aidini from
11 seeking damages for future medical treatment and expenses (ECF No. 49) and loss of earning
12 capacity (ECF No. 50). Costco also seeks to limit the testimony of Aidini's treating physicians
13 (Drs. Morris and Pape) to their respective treatments of Aidini because Aidini did not provide
14 expert reports for these witnesses (ECF No. 51).

15 I am unequipped to rule on these motions at this time for several reasons. I do not know
16 whether Aidini will attempt to establish future medical expenses and lost earnings based on
17 physicians' testimony that goes beyond that arising from their treatment. Aidini provided Costco
18 with a report from treating physician Dr. Morris, but neither party provided me with that
19 document. I also do not know from Costco's motion regarding the treating physicians what
20 opinions Costco is seeking to preclude. I thus cannot discern whether the treating physicians
21 intend to opine on future medical expenses and lost earnings, and if so what those opinions will
22 specifically consist of and their bases.

23 IT IS THEREFORE ORDERED that the parties shall immediately meet and confer about
24 these pending motions. The plaintiff's counsel shall disclose exactly what opinions the treating
25 physicians intend to offer at trial. To the extent the parties can agree on the specific opinions
26 those physicians will render at trial, the parties shall submit a stipulation about them. If the
27 parties cannot agree, then the parties shall file supplemental briefs as follows: (1) Aidini shall file
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1 a summary of each opinion that each treating physician intends to offer at trial, (2) Costco shall
2 identify which of those opinions it seeks to exclude and why, and (3) each party shall file a brief
3 of no more than four pages as to why each opinion is or is not admissible (including whether it
4 was covered by Aidini's prior disclosures) with supporting evidence. The stipulation or
5 supplemental briefs are due on or before **12:00 noon on Friday, April 14, 2017.**

6 DATED this 11th day of April, 2017.

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ANDREW P. GORDON
9 UNITED STATES DISTRICT JUDGE